

REMARKS

Applicant requests favorable reconsideration and allowance of this application in view of the foregoing amendments and the following remarks.

Claims 1 through 15 are pending in this application, with Claims 1, 9-12 and 14 being independent claims.

Claims 12 and 14 have been amended. Support for the amendments can be found in the original specification, and therefore, no new matter has been added.

Claims 12 and 14 were rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicant has amended Claims 12 and 14 to recite a computer program embodied in a computer-readable medium. Accordingly, Applicant submits that these claims are clearly directed to statutory subject matter, and favorable reconsideration and withdrawal of the rejection are requested.

Claims 1-15 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-34 of copending Application No. 10/600,582, but would be allowable if a terminal disclaimer is filed to overcome the obviousness-type double patenting. Applicant respectfully traverses this rejection for the following reasons.

As recited in Claim 1, for example, the present invention includes inputting means for inputting additional information for a predetermined pixel region unit representing which of first and second visible intensities is used for multiplexing noise, and control means for selecting either of first and second noise multiplexing means for a pixel region of interest and causing the selected noise multiplexing means to multiplex noise. In other words, noise multiplexing is performed and the additional information determines which of first and second visible intensities is used.

In contrast, the invention of Application No. 10/600,582, as recited in Claim 1, for example, inputs additional information representing whether or not noise is multiplexed for a

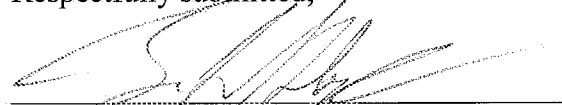
pixel of interest and, if so, calculates a luminance addition value based on a luminance value of a neighboring region. In other words, noise multiplexing may or may not occur, depending on the additional information. Applicant therefore respectfully submits that the present claims, in which additional information represents which of first and second intensities is used for noise multiplexing, are not obvious over the claims of the cited co-pending application, in which additional information represents whether or not noise multiplexing is performed.

Applicant further notes that the Office Action merely contained a conclusory assertion that the pending claims are not patentable distinct from those of the co-pending application. There was no reasoning to support a *prima facie* rejection, i.e., the Examiner did not identify the differences between the pending claims and those of the co-pending application and did not include any comments as to why those differences would have been obvious to one skilled in the art. If the Examiner persists in maintaining this rejection, Applicant requests that he provide appropriate reasoning to support the rejection, so that Applicant can respond in detail.

In view of the foregoing, Applicant submit that this application is in condition for allowance. Favorable reconsideration, withdrawal of the outstanding rejections, and an early Notice of Allowance are requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



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